

**REMARKS**

Claims 1-2, 4-6, 12-13, 15-18 and 21-24, 28-30, 32, 34-40, 42-49, 51-38, and 60-78 were presented for examination, of which claims 1, 5, 12, 17, 24, 32, 34, 43, 52, 61, 66, and 70 are independent. Claims 3, 7-11, 14, 19-20, 25-27, 31, 33, 41, 50 and 59 were previously canceled. Claim 12 is amended herein without prejudice or disclaimer. The amendment addresses matters of form only. No new issues are raised by this amendment.

**I. Claim Rejections under 35 U.S.C. §112**

The Examiner rejects claims 12-16 under 35 U.S.C. §112 for failing to point out and distinctly claim the subject matter which the Applicants regard as the invention. The Examiner suggests that there is insufficient antecedent basis for the phrase “at least one state and at least one transition” in claim 12, because the claim refers only to “at least one state or transition.” Applicants amend claim 12 to recite “the at least one state or transition.” Claims 13 and 15-16 depend from claim 12. Claim 14 has been previously canceled. Applicants respectfully submit that this amendment addresses the Examiner’s concerns regarding claims 12-16, and respectfully request that the Examiner withdraw the 35 U.S.C. §112 rejection of claims 12-16.

**II. Claim Rejections under 35 U.S.C. §103**

Claims 1-2, 4-6, 12-13, 15-18, 21-24, 28-30, 32, 34-40, 42-49, 51-58, and 60-78 have been rejected under 35 U.S.C. §103(a) as being anticipated by United States Patent Publication No. 2002/0083413 to Kodosky et al. (hereafter “Kodosky”) in view of Stateflow Version 3.0 (R11) (hereafter “Stateflow 3”). Applicants respectfully traverse this rejection.

Applicants respectfully submit that Stateflow 3 is not available as prior art under 35 U.S.C. §103(a). The present Application claims and is entitled to, at least, the priority date of May 14, 2001, the filing date of the present Application.

Stateflow 3 was published by the Assignee of the present Application, the MathWorks, Inc. Therefore, Stateflow 3 qualifies as prior art, if at all, only under 35 U.S.C. §102(a) and not 35 U.S.C. §102(b). However, Applicants respectfully submit that Stateflow 3 does not qualify

as prior art under 35 U.S.C. §102(a), because it was published within a year of the Applicant's filing date.

Applicants submit herewith a declaration under 37 C.F.R. §1.131 by one of the Inventors, Vijay Raghavan, who is also an employee of the Assignee. Mr. Raghavan indicates that the internal records of the MathWorks, Inc. show that Stateflow 3 was released to the public on or after May 20, 2000.

Accordingly, Stateflow 3 represents the Applicants' own work, published within the year before the effective filing of the present Application, and cannot be used against Applicants under 35 U.S.C. § 103(a). MPEP §715(I). Applicants therefore respectfully request that the 35 U.S.C. §103(a) rejection of claims 1-2, 4-6, 12-13, 15-18, 21-24, 28-30, 32, 34-40, 42-49, 51-58, and 60-78 be withdrawn.

**CONCLUSION**

In view of the above, Applicants believe the pending application is in condition for allowance and urge the Examiner to pass the claims to allowance. Should the Examiner feel that a teleconference would expedite the prosecution of this Application, the Examiner is urged to contact the Applicants' attorney at (617) 227-7400.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080 under Order No. MWS-070RCE2. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned thereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

Dated: October 6, 2008

Respectfully submitted,

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